

LAW OFFICES

BRADSHAW, FOWLER, PROCTOR & FAIRGRAVE, P.C.

KENT M. FORNEY
MICHAEL H. FIGENSHAW
EDWARD E. JOHNSON
WILLIAM F. FANTER
DAVID J. W. PROCTOR
JAMES M. HOLCOMB
DENNY M. DENNIS
DONALD F. NEIMAN
MARK L. TRIPP
DAVID L. JENKINS
STEVEN M. AUGSPURGER
GREGORY A. WITKE
D. BRIAN SCIESZINSKI
GREGORY L. KENYON
KELLY L. MCCARTY
KARL T. OLSON
MICHAEL L. MOCK
JEFFREY D. GOETZ
IRIS J. POST
GORDON R. FISCHER
ANN C. SPELLMAN

SEAN M. O'BRIEN
TODD A. STROTHER
PATRICK D. SMITH
JASON T. MADDEN
LORI A. BRANDAU
MATTHEW J. HAINDFIELD
DAVID N. MAY
JASON C. PALMER
SCOTT WORMSLEY
JANICE M. THOMAS
LORI E. COLE MAGERKO
MEGAN M. ALTHOFF WOLFE
ANDREW C. JOHNSON
ANNE R. COOK
THOMAS M. BOES
JULIE A. BUENZOW
TIMOTHY N. LILLWITZ
MELINDA G. YOUNG
BRADLEY M. BEAMAN
AMY R. TEAS
JOHN F. HODGES

801 GRAND AVENUE, SUITE 3700
DES MOINES, IOWA 50309-8004

TELEPHONE (515) 243-4191

FAX (515) 246-5808

WEB www.bradshawlaw.com

WRITER'S DIRECT DIAL NUMBER

(515) 246-5848

WRITER'S E-MAIL ADDRESS

dennis.denny@bradshawlaw.com

CHARLES S. BRADSHAW
1871-1953
REX H. FOWLER
1893-1972
W. Z. PROCTOR
1902-1995
D. J. FAIRGRAVE
1906-1990

OF COUNSEL
JOHN C. CORTESIO, JR.
J. EDWARD POWER
LARRY D. SPAULDING
CYNTHIA A. HURLEY

January 23, 2008

Ms. Hilda Ibarra
Senior Case Manager
American Arbitration Association
Western Case Management Center
6795 North Palm Avenue, Second Floor
Fresno, CA 93704

VIA E-MAIL

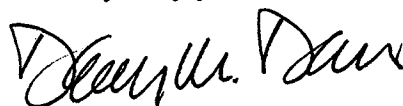
Re: *Underwriters v. TMC*
AAA No. 75 174 423 07

Dear Ms. Ibarra:

As we have previously advised, we do not feel there is an absolute obligation on the part of TMC, under the applicable contract, to engage in mediation under the presently-existing circumstances of this case. Within the next few days, however, we will be advising Mr. Maloof, counsel for Underwriters et al., as to our position regarding any possible mediation. In this regard, we wish to advise you that we are not available to participate in any form of mediation on the following dates in March, to-wit: March 3; 10; 14; 17-19; 24; 28-31.

We will keep you advised as to our ongoing communications with Mr. Maloof, as it relates to a possible mediation of this matter. If you have any further questions or comments at this time, please contact us. Kindest regards.

Very truly yours,



Denny M. Dennis

DMD/lca

cc: David Maloof
Glen McCravy

